

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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MICHAEL ANDRES ALVAREZ  
PUERTA,  
Plaintiff,

v.

MICHAEL NESSINGER, *Warden of  
Wyatt Detention Facility*; PATRICIA  
HYDE, *Director ICE Boston Field  
Office*; KRISTI NOEM, *U.S. Secretary  
of Homeland Security*; in their official  
capacity,  
Defendants.

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C.A. No. 25-cv-108-JJM-AEM

ORDER GRANTING  
WRIT OF HABEAS CORPUS

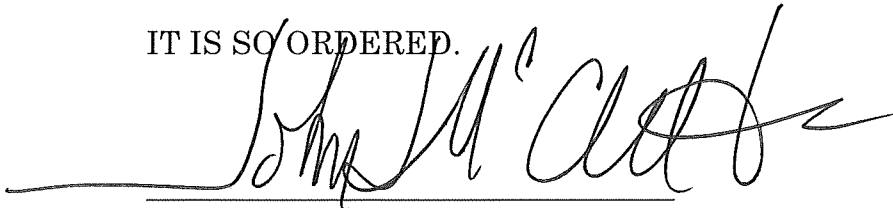
Following *Hernandez-Lara v. Lyons*, 10 F.4 19 (1st Cir. 2021), the Court concludes that it has jurisdiction to rule on this Petition for Habeas Corpus.

This Court finds the only possible conclusion to the issues raised in the Petition is that the Immigration Court failed to apply the proper legal standard as a matter of law, where the only evidence presented by the government in the first bond hearing to support Mr. Alvarez Puerta's continued detention was an uncorroborated police report, which is not clear and convincing evidence sufficient for a finding of dangerousness. The lack of clear and convincing evidence was more pronounced in the second bond hearing, where additional evidence included the dismissal of the criminal charges against the Petitioner.

The Court finds that administrative exhaustion is not required given the irreparable harm that Petitioner will suffer.

Therefore, in the interest of justice and consistent with the law, the Court DENIES the Motion to Dismiss, GRANTS the Petition for a Writ of Habeas Corpus, and ORDERS the Defendants to immediately, without delay, release Petitioner Michael Andres Alvarez Puerta, from ICE custody.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.  
Chief Judge  
United States District Court

June 27, 2025